80 Highland Ave.
Rochester, NY 14620
April 10, 1993

Judith Licht, Director
American Civil Liberties Union
121 N. Fitzhugh
Rochester, NY 14614

Re: Gay Alliance of Genesee Valley v. City Assessor

Dear Ms. Licht:

As you may recall, when we communicated in the fall about the possibility of obtaining the ACLU's assistance in this case, you told me that the ACLU's participation was not possible at that time, but that you would consider a future request if necessary. This purpose of this letter is to make such a request.

As you know, Justice Siracuse, an eloquent and landmark opinion, found that by denying it a property tax exemption, Rochester had unconstitutionally discriminated against the Gay Alliance on account of its membership and message. I have enclosed a copy of the decision for your information.

The City Attorney has publicly stated that the City will appeal. We would greatly appreciate it if the ACLU would file an amicus brief on appeal. Doing so will not only give the GAGV broader support on appeal, but will undoubtedly generate widespread favorable publicity for all of us.

We hope to serve an entered Order by Wednesday, April 14. The City will have 30 days to file a notice of appeal from that date, and 60 days after that in which to file a record and brief. If the City fails to perfect its appeal within 60 days (which is a common tactic), we can move to dismiss the appeal with 8 days notice. The Court's common practice is to enter an Order specifying a date certain (usually within 30 days) for perfecting the appeal. We will then have 30 days to file our Reply Brief. Argument will then be set for the next court calendar. It is likely, therefore, that our brief (and amicus briefs) will be due sometime mid-September. Speedy justice!

Paul Scheib, the GAGV President, told me that he has talked to you about the ACLU's participation as amicus, and that you indicated a strong interest in doing so. Please let me know as soon as possible what the ACLU decides to do. If you would like to talk about this case further, please feel free to call me during the day at 454-6500, or at home at 256-0508.

Thank you for your prompt attention to this matter.

Very truly yours,

Ellen M. Yacknin

P.S. I returned your phone calls to me last week, but we apparently kept missing each other. If you still need to reach me, feel free to call.